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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

KIM D. VAUGHAN

: DOCKET NO. 2:06 CV 0261

VS.

: JUDGE MINALDI

MANPOWER, INC., MANPOWER  
INTERNATIONAL, INC. AND  
MANPOWER PROFESSIONAL  
SERVICES, INC.

: MAGISTRATE JUDGE WILSON

**MEMORANDUM ORDER**

"Federal courts, both trial and appellate, have a continuing obligation to examine the basis for their jurisdiction. The issue may be raised by parties, or by the court *sua sponte*, at any time." *MCG, Inc. v. Great Western Energy Corp.* 896 F.2d 170, 173 (5<sup>th</sup> Cir. 1990) (citing Fed.R.Civ.P. 12(h)(3); *Baker Oil Tools, Inc. v. Delta S.S. Lines, Inc.*, 562 F.2d 938, 940 n. 2 (5<sup>th</sup> Cir.1977); *Oswalt v. Scripto, Inc.*, 616 F.2d 191 (5<sup>th</sup> Cir.1980)). Stated otherwise, "[S]ubject-matter delineations must be policed by the courts on their own initiative even at the highest level." *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583, 119 S.Ct. 1563, 1570 (1999) (unanimous decision).


A party invoking the federal court's jurisdiction must prove to a legal certainty that its claim is not less than the jurisdictional amount. *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 288-90, 58 S.Ct. 586, 590-91 (1938). When the amount in controversy has been challenged as insufficient, the invoking party bears the burden of proof. *St. Paul Reinsurance*

*Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1253 (5<sup>th</sup> Cir. 1998).

In keeping with the court's duty to examine the jurisdictional basis of cases brought before it, and pursuant to Federal Rule of Civil Procedure 12(h)(3),

IT IS ORDERED that plaintiff, Kim D. Vaughan, offer proof that her claims exceed \$75,000. Plaintiff shall file a brief on this issue, not to exceed 10 pages, and may attach appropriate evidence in support thereof. Plaintiff's brief is due by November 27, 2006.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 26 day of October, 2006.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT COURT